

CITY COUNCIL MINUTES
January 28, 2013

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, January 28, 2013 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President Connie Robinson presiding. The following business was conducted.

These minutes are not intended to be a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.

ROLL CALL:

Present: McGinn, Brinkerhoff-Riley, Friend, Lindsey, Adams, O'Daniel, Weaver, Robinson.

Absent: Mosby

President Robinson: There being eight (8) members present and one (1) member absent and eight (8) members representing a quorum, I hereby declare this session of the Common Council officially open.

PLEDGE OF ALLEGIANCE

This evening the pledge of allegiance is led by Councilman Weaver

President Robinson: Fellow Councilmen and those in the audience, welcome to the January 28, 2013 meeting of the Common Council.

TEEN ADVISORY COMMITTEE

Laura Ferguson, Dorothy English, Sam Stratman, Jenna Martin, Hannah Clark, Loren Hayden, Hugh Ehresbeck, Emily Burkhardt, Emerson Hobson, Michaela Kacher, Morgan Jennings

COUNCIL ATTORNEY

This evening Scott Danks is our City Council Attorney.

SERGEANT AT ARMS

This evening Officer Montgomery is our Sergeant Arms

READING AND AMENDMENT OF MINUTES

President Robinson: Is there a motion to approve the minutes of the January 14, 2013 meeting of the Common Council as written?

Councilman Friend moved and Councilwoman Riley seconded the motion to approve the minutes of the regular meeting of the Common Council held January 14, 2013 as written. Voice vote. So ordered.

REPORTS AND COMMUNICATIONS

IN YOUR JANUARY 25th PACKET:

- *City Council Meeting Agenda for January 28, 2013.
- *City Council Meeting Minutes dated January 14, 2013.
- *Committee Meeting Schedule.
- *Resolutions C-2013-3 and C-2013-4.
- *Report from Weights and Measures.
- *A memo to City Council from Blain Oliver, APC Interim Executive Director.
- *Evansville Redevelopment Commission Minutes of Meeting held January 2, 2013.
- *Legal Aid Statistics from December, 2012.

President Robinson: Can I have a motion to receive, file and make these reports and communications a part of the minutes of the meeting?

Councilman Weaver moved and Councilwoman Riley seconded the motion to receive, file and make these reports and communications a part of the minutes of the meeting. Voice vote. So ordered.

CONSENT AGENDA

FIRST READING OF ORDINANCES OR RESOLUTIONS

RESOLUTION C-2013-3 **PUBLIC WORKS** **O'DANIEL**

A Resolution of the Common Council Approving an Interlocal Agreement with Vanderburgh County (Burkhardt Road and Virginia Street Intersection)

RESOLUTION C-2013-4 **FINANCE** **FRIEND**

A Preliminary Resolution of the Common Council of the City of Evansville Declaring an Economic Revitalization Area for Property Tax Phase-in for the Acquisition and Installation of New Manufacturing Equipment (Berry Plastics Opco, Inc.) (101 Oakley Street, Evansville, IN)

President Robinson: Is there a motion to adopt the Consent Agenda as written?

Councilman O'Daniel moved and Councilman Lindsey seconded the motion to adopt the Consent Agenda as written. Voice vote. So ordered.

MISCELLANEOUS BUSINESS

President Robinson: There will not be a City Council Meeting next Monday, February 4, 2013. The next City Council meeting will be Monday, February 11, 2013 at 5:30 p.m. Committee Meetings will begin at 5:15 p.m. on February 11, 2013

Next, we have Carisa Campbell to discuss the METS service; she wants to discuss Sunday bus service. She called the Clerk's office and myself and she has a concern about Sunday bus service but I think before she called us, she called the Mayor's office and I think she called the METS office and everybody told her to call the City Council so the lady was quite persistent. As I told her earlier, we don't put anything in a budget. The Mayor's office has to do it but they instructed her to come to us so she is going to give us a presentation tonight.

Can you state your name and address please.

Carisa Campbell: My name is Carisa Campbell and my address is 809 S. Governor.

President Robinson: Okay, you can go ahead and give us your presentation. I'm sorry.

Carisa Campbell: First of all, I am not a public speaker but I'll do the best I can. So just bear with me please, I'm nervous as it is.

President Robinson: Don't be nervous.

Carisa Campbell: We the concerned citizens of Evansville are petitioning for Sunday bus service. I have collected notarized signatures and talked with METS bus patrons. I have heard stories in which the person or persons had to quit or had been fired from employment because

they did not have reliable transportation to work on Sundays, in some cases causing the person to quit employment and rely on the government for the majority of their assistance again, thus repeating a vicious cycle.

I have talked to employers concerning their employees working a Sunday schedule and it was stated that there is definitely a problem for their employees getting to work on Sunday without reliable transportation.

I think Sunday bus service will be beneficial as far as some of the local businesses. An example: restaurants, nursing homes, hotels, hospitals, the mall, and grocery stores as these are just a few examples of some businesses that are operating seven days a week. Also, there are patrons that have stated they have no transportation to church on Sundays. Some of the bigger churches have church buses but the smaller congregations do not.

I realize Sunday is the Sabbath day, and technically, nobody should have to work but in reality, most people do not have this luxury with their jobs. Therefore, if you do not have transportation to church, sometimes you are just out of luck.

Some bus patrons have stated to me that if they keep their job on Sundays, his or her only solution is to walk, ride a bike, take an expensive taxi or pay someone. Just from talking to bus patrons, I think there will be just as many riders on weekends as there are during the week.

The buses could run on a Saturday schedule. I am proposing one solution could be to have the regular bus driver's work Monday through Friday, and maybe the City could hire new drivers to work on Saturdays and Sundays. If not, I am the sure the regular bus drivers could alternate for overtime on Sundays. I believe there would be enough bus patrons to help offset the cost for this.

I am in the first phase of petitioning for Sunday bus service so examining routes, times, and costs could come at a later date. I have been told that the budget for 2013 has already been determined so since it is just January 28, 2013, I think putting this on the agenda now, Sunday bus service could possibly be a dream instead of a fantasy for 2014.

METS transportation has increased because of higher prices of gasoline. I believe as gas prices continue to increase, ridership of METS will increase also. Some bus patrons have vehicles but they sometimes park them because it is cheaper to ride the buses.

I am proposing a trial run on a Sunday or Sundays to get feedback in response to Sunday bus service. Other metropolitan areas, for example Nashville, Louisville, and Indianapolis, just to name a few, operate on a seven-day a week, 24-hours a day schedule. I know that's not feasible for Evansville but we have just as much of a service industry as these areas. I think if we could just operate seven days a week, but on a different schedule on weekends, it would be beneficial to Evansville as a whole for employment.

President Robinson: Okay, thank you Carisa. You can stay here. There might be some questions for you. How many signatures do you have?

Carisa Campbell: So far, I have 700 notarized signatures.

President Robinson: Okay. Of those 700, do you know how many of those people ride the bus?

Carisa Campbell: The majority of them because even the teenagers...I had them to sign but they also have to pay too so I figured if they are paying customers, they should have a say also.

President Robinson: Okay then. Are there any questions from any Council members? Councilman Weaver.

Councilman Weaver: So there is no bus service at all on Sundays?

Carisa Campbell: No.

President Robinson: No. That has always been a concern since I have been on Council. We've had people to ask for Sunday bus service and I've always been told that it's too expensive, but they have extended the hours. There are some routes that go until midnight. The busier routes, I guess, go until midnight so that is a change but we've always had people tell us that we need buses on Sunday, and I guess most cities our size do have Sunday bus service. It might not run as long as the regular weekday service, but they do have Sunday bus service.

And that's the reason I have Todd Robertson who is the Director of Transportation and Services. I think he would be more qualified to answer or make a statement concerning this, Carisa.

Councilman Adams?

Councilman Adams: Did these 700 people give you any indication as to what route they would be using?

Carisa Campbell: Well I think a lot of them are more interested in like the...because I know some of the hotels and some of the hospitals, all of them stay...you know, they are open seven days a week, 24 hours a day and then some of the factory workers also too, I think that would be a concern about because some of them still have to work on the weekends also, so I think that was more of their concern. I know I spoke to one young lady that said she had to...she was working at a nursing home and she was working every Sunday and she said she was spending almost \$40.00 every Sunday just for a taxi to get back and forth to work. They told her that...you know, she told them she could do it any longer so they told her she would have to find reliable transportation or quit so they have to fire her from that.

Councilman Adams: Thank you.

Councilman O'Daniel: If I could ask Todd...How long would it take to conduct a study on the feasibility of Sunday service? I mean you know on the County side, they looked at going up North 41 for, God it seemed like years before they actually instituted it. But what would be the turn-around time on a feasibility study?

Todd Robertson: I am not exactly sure at all how long it would take us to do the entire assessment of how many riders. I would be more concerned about the ridership...figuring out the amount for us to compute the amount would take us very long to figure out. As long as we understand and identify which routes we would like to put in play, that wouldn't take us too

long. The key element probably for us is generating any type of revenue that comes in because when you start talking about it, it is true that this is a significant, sizable increment in the budget if you are deciding that you want to provide Sunday service. I think it has been tossed around before but unfortunately, let me say now, unfortunately, she did not contact me and I did not talk to her. Otherwise, we could have addressed this at an earlier stage too but it is quite significant. It would take some time to go through and ridership would be one of the key elements as to...and if we did an assessment of how many riders to do, that may prove more productive for us to find out how we could actually generate the revenue to cover that expense because it's going to be significant.

Another key component to this same thing is that I think if you start...we run one service, we also have to generate another service, which is also going to add to that same expense because if we run any kind of a...and I'd have to go back and double check, but I believe that if we run a fixed route then we also have to provide Mobility, which would be another expense that we'd have to consider too.

It would just be a matter of understanding how many...how much revenue and in addition to all of that, let me go on and say that it would really hinge largely on how much more the City would want to spend as well because the City supplements the METS bus service already so it would depend on how much more that the City would want to also invest into this service as well.

Councilman McGinn: Quick question. Todd, excuse me just...go ahead. Right now, I mean I haven't looked at the budget in a while but I recollect your budget is what, four and a half million dollars?

Todd Robertson: Generally, we are about seven.

Councilman McGinn: About seven. And then what's...how much is the City supplementing? How many millions?

Todd Robertson: Anywhere from two and a half...

Councilman McGinn: Two and a half to three?

Todd Robertson: Yeah

Councilman McGinn: So about 45% of...the dollars that people drop in the box or give to the driver pays about 60% to 65% or 55% to 60% of the cost of it, right?

Todd Robertson: Without looking at it you've probably got a good assessment, yeah, a ballpark...

Councilman McGinn: Okay, I just want everybody to know that, I mean you know we are in the red two and a half, three million dollars a year on it as it is.

Todd Robertson: And you'd probably would go up probably another, at least another half million or more to do that.

Councilman McGinn: But can you kind of give us a little, I mean, in the next couple of weeks could you give us a little more realistic...

Todd Robertson: We'll be glad to and if she would share those we would (*Inaudible*) those individuals for...and we can make a copy and give it back and we can also give a report on it as well.

Councilman McGinn: Okay, thank you.

Councilman Adams: We do get some funding that would help us, do we not?

Todd Robertson: Sure. I'm not sure how much more. That's another question that we would also investigate as well as to see how much more we could get in federal funding by increasing our routes. I'm not sure how much more that is but we already understand that based on the percentages that the City already has to divulge now according to what we get back from the FTA, we still would be investing in a larger share. So in some aspects of it, if we don't, if the...in other words, if the balance doesn't offset it and doesn't do right, we are still only going to get...I understand everybody's has honed in on the 80% but yet if the FTA budget is only so much, you are only going to get whatever comes down the pipe. It's not going to be that...because if they already started allocating, that doesn't mean automatically just because we increased more routes, we automatically get more money. That's not how it...

Councilman Adams: Would you call me tomorrow or I'll try to call you?

Todd Robertson: Okay, that will be fine.

Councilman Adams: You call me or I'll call you tomorrow.

Todd Robertson: That'll be fine.

President Robinson: Councilman Lindsey.

Councilman Lindsey: Well another angle, another thought on this too is that, you know, the more you drive your buses, the less time they...the less they are going to last so it's...even though I'd like to see services provided for everyone as much as we can, you've just got to think about more drivers, equipment failure, shortened life on our buses, so that's another angle too that kind of makes it tough to...unless you can alternate routes or something, you know, during the week, spread it out.

Todd Robertson: I think...and let me go out...I'm not saying that the need is not there or justified but I just do know that there is a cost assessment that we must assess as we provide the needs and see if we can afford to be able to provide this service at this juncture in time. And he brought up another point that all of this must be factored in but if the numbers work out, we'd be glad to.

President Robinson: I think Carisa has put this on the radar. Is this something, Steve, is this something that the Administration has even given consideration to?

Steve Schaefer: We spoke earlier today and yes, (*Inaudible*) 700 people signed a petition...

Carisa Campbell: And that's just from a...maybe like a week's worth so I mean I've got more people that want to sign it's just...it wore me down...

President Robinson: Well I think you've brought it to our attention today and we are aware. I mean I know that there is a need for bus service so there are other things we have to look at...the cost and as Todd said, see what federal funds are available and if we have any City funds but we know there is a need.

Is there anyone in the audience that would like to speak on this? Well I think we have...okay, we have, and this after...Ms. Bryant...okay after she comes up then...okay.

Vera Campbell: My name is Vera Campbell and I'm Carisa Campbell's mother and I just kind of want to...what she said or what she stated about the Sunday bus service. It is very much needed, you know because a lot of our people, a lot of our young people, it's good that our young people want to work. And so if they have transportation, that a need and if they don't have transportation, then they have a problem you know. And so I think this is something and I understand Todd, what Todd is saying too, you know, but I was telling my daughter, you know, sometimes with the bus service on Sunday, sometimes you might get drivers to want to work overtime. And that's something you can take into consideration too. They might want to make a little extra money, you know, on the weekend. And so that's something to take into consideration, I mean everybody likes overtime, you know, it's good on your check, but that's another thing.

It is very, very much needed. And those of us who have cars, you know, we ride and everything but then there are a lot of people in our city that do not have transportation and they want to work. They work at hospitals, they work at these hotels and they just don't have the means to get to work on Sunday and some of them are getting fired, laid off, and that's not good for our economy.

We want our city, I'm pretty sure we want our city...we want everybody to be happy, everybody to have money in their pocket and when they can work, then let them work but give them transportation. And those of us that have transportation, help the ones that don't have transportation.

President Robinson: Okay, thank you.

Ms. Bryant, you can come to the podium.

Councilman Weaver: What are the current fares and have we thought about altering...adjustments?

President Robinson: I think we've had...Todd, what are they, \$1.25? Well how much?

Todd Robertson: A dollar.

President Robinson: A dollar, okay.

Gloria Bryant: My name is Gloria Bryant, I live at 715 S.E. Riverside Drive and I'm a licensed clinical social worker. As I listen to this I think, well is it possible that we could look at just the needed area and look at the cost for that rather than looking at city-wide because I am sure that there are areas of the City that have this need that are much more prevalent than others.

The other thing is as I sat there, I thought about driving to work this morning and all the people waiting for a bus and the rain was pouring on them so while they are asking for bus service, it's difficult to ride a bus and it's very humbling also.

President Robinson: Okay so you go...do you go to work down Covert Avenue?

Gloria Bryant: I go to work down Covert, down Riverside...

President Robinson: The busy routes, I guess.

Gloria Bryant: The busiest routes.

President Robinson: You know, you brought up an interesting point with the rain. I'm thinking, do we have shelters? Do we have that many shelters on those routes? You know, I visualize somebody waiting on Covert and Vann, and that's a busy route, and I don't see a shelter there so they just stand there in the rain.

Gloria Bryant: I don't remember any shelters on Riverside from 41 to Green River Road. I mean, they had coats over their heads. It was horrible this morning.

President Robinson: I think that's something that we should also look into.

Gloria Bryant: I think that's a good idea. Thank you.

President Robinson: Yes? Your name and your address please.

Valentina Gibbs: Valentina Gibbs, 221 N.W. Martin Luther King Blvd. I am a worker of a hotel and Sundays are mandatory for us. If we are not there on Sunday, we lose our jobs. There are plenty of times that myself and a couple of other housekeepers had to either get together and pay for a cab or pay someone else to take us to work but then when we get to work, it's hard to get home from work. I work all the way out on Burkhardt at a Comfort Inn and it's very hard to walk from all the way out here to out there early in the morning. Sometimes it bitter cold and then late at night you are females walking by yourselves it poses a danger for us as women working in a hotel so I think it's very detrimental. We do need a bus system on Sundays.

President Robinson: Well you're talking to the choir up here because I understand. You probably don't make enough to afford a car.

Valentina Gibbs: No.

President Robinson: We need to provide that service because I think we want people working; we don't want people being unemployed and you have the opportunity to work, you know, we should try to find transportation that you can afford.

Valentina Gibbs: Thank you.

President Robinson: Okay, are there any other questions? Yes. You're name and your address please.

Brenda Moss: My name is Brenda Moss, I live at 305 S. Washington Avenue. I am disabled and it only cost me a half a dollar just to ride the bus and I volunteer around Evansville. There are a lot of disabled persons, not just women that rely on the bus to get to those facilities to volunteer. They are much needed and a lot of volunteers...most of these people do not have a car and volunteer services are needed from people who are either disabled and they cannot work and I volunteer at two different after school care centers for children and I do rely on the bus.

President Robinson: Thank you. Okay...yes.

City Controller Lloyd: Council members, City Controller Russ Lloyd. Just real quick and we can send you revenues and expenditures say for the last three or four year for METS. Then in our budget for 2012, we had revenue of \$4.1 million and expenditures \$7.6 so it's \$3.5 million deficit. That's in the General Fund so the City just makes that up with general property tax money.

(Inaudible)

City Controller Lloyd: That's all the revenue. And then 2013, we had revenues \$3.5 million, expenditures \$8.2 and I know we've got some changes in our Teamster contract. I think we included more fuel in that. There are just a lot of costs going up for METS so that's a deficit of \$4.6 million.

President Robinson: Well I'll tell you like I've told every director of METS. I told Sam Lahanis, sometimes you have to provide a service and to me...

City Controller Lloyd: Right, right

President Robinson:...that's a service that's a service that we have to provide whether it's a deficit or not. We find money for everything else and I mean you have to find money for it.

City Controller Lloyd: Right. So I just wanted to get the proper...correct budget numbers on the record.

President Robinson: Okay, thank you.

Councilman Lindsey: Do we get the same amount of federal money every year Russ? It's going down, isn't it? Are we getting less every year? Is that right or wrong?

Todd Robertson: *(Inaudible)* The past two years, prior to this, we've actually gone down. The next two years we may actually get an increase because of this administration that's in that have given something but there are no promises or guarantees but they did say...seems to be that it may be hopeful, that you may see a small increase in *(Inaudible)*.

President Robinson: What's your ridership?

Todd Robertson: Ridership number? I couldn't tell you exactly right off hand. If you would like, I can provide...

Councilman Lindsey: Do we get any money from the state?

Todd Robertson: Yes. All of that was included in that revenue/cost that he just mentioned. We get 80% from the FTA, 10% from the state and then the other 10% has to be made up as a part of the grant package. And then the other portions, anything above that, the City still makes up so any shortages from that.

Councilman Weaver: Todd, when is the last time we had a fare hike?

Todd Robertson: It's been a few years back.

Councilman Weaver: Where does a dollar take me? One way to anywhere I want to go in the City or what?

Todd Robertson: Well, it gets one way and a transfer.

President Robinson: How much is a transfer?

Todd Robertson: Free for one transfer. Now you just get...it may take you two transfers to get from one side of town to other extreme side of town but for the general area you can go pretty much on a dollar. You pay a dollar, you can get one transfer and you ride to a connecting *(Inaudible)*.

Councilman Weaver: So how would one of your drivers know I'm on a second transfer?

Todd Robertson: Because you have to submit your slip and that's it, so if you want the next to go any further, then you'd have to pay another fare *(Inaudible)*.

Councilman Weaver: Another dollar.

Todd Robertson: Or another dollar.

Councilman Weaver: Thank you.

Todd Robertson: Okay.

President Robinson: Are there any questions? Okay. Thank you Carisa and thank you Todd and thank you...

Okay, next we have Phil Hooper...I'm sorry, David Garrett. David is our consultant and he's going to give us a brief report on what he's been doing up to this point.

David Garrett: Thank you Connie. I signed a contract in November for consulting services for the City Council and it's a 12-month agreement. What I'll be doing, I'll provide for the Council, as well as taxpayers, you're going to get 12 months of bank compliance service, bank

reconciliation review. That period is going to be October, 2012 starting through September, 2013 based on when I signed my contract so October, 2012 is the first month that I'll be working with.

Actually, that was the topic three weeks ago in your January 7, 2013 meeting. Both City Controller Russ Lloyd and Dan Hedden of Umbaugh commented. Let me read you a few excerpts. I've got the January 7, 2013 Council minutes.

The first one, **City Controller Lloyd** is describing an adjustment:

City Controller Lloyd "Okay, the \$1.17 million is the MUNIS reconciliation using their software. We have also been reconciling outside the software, which we have to do from January to September because we didn't change over until October 1, so those numbers are less. October was roughly \$400,000 and that's going down. We were subtracting the tax payments from the bank statement but were not subtracting them from the books so the money was kind of piling up". So that's the section...that's the January through September and again, October is when I start. The phrase on that is here at the bottom of the page...

President Robinson: So when you reconciled, were you able to, Dan, were you able to reconcile October? Did it balance with what the...

David Garrett: And then **Dan Hedden** jumped in and said,

Dan Hedden: "Yeah, we are able and were able to reconcile October for all bank statements, all 26 banking relationships of the City". And then that was...so they are saying they've got October reconciled for 26 banks...I'm sorry, bank reconciliations.

David Garrett: The second excerpt from that is on Page 14. **Dan Hedden**, he's trying to qualify the \$1.17 million.

Dan Hedden: He says, "The \$1.17 million is an example of where I can look at information that's on the bank statement with outstanding checks and deposits in transit that your folks have prepared, and I can look at information on the ledger, and I've got adjusting items that I've known, that I know, and there is still \$1.17 million, 1.5%, that I don't have a definition of that yet".

David Garrett: So what that tells me is they have reconciled the month of October, 2012. They've got their outstanding checks, their deposits in transits, all the standard things you have in a bank rec. They've got \$1.17 million, which they can't identify and they said later on, I think John Friend asked them, they are writing it up to the bank. So the bank has deposits, essentially, of \$1.17 million that they don't have on their books, okay. Now, I read earlier that they've got October done. I believe John, you've asked three times, you say you've got October done and you are off by \$1.17. Send us that October reconciliation. That has not been forthcoming. And I believe your last attempt to get that in was last Friday.

Councilman Friend: Yeah, I sent an email out to Russ requesting to give us, basically, anything complete or incomplete bank recs and Russ did send those to us and they came in but they are just for January through May of 2012.

David Garrett: And not the October.

Councilman Friend: And not the October and I did understand. I thought we were going have, I thought MUN...pardon me, Umbaugh was working on October moving forward so you're right.

David Garrett: Let me just comment on one thing. I think as an accountant myself, accountants have a need to balance so when you've gone through all the steps of the bank rec and you are still \$1.17 off, despite the fact that you are writing up to get to the bank, I mean you're increasing your book balance (*Inaudible*) the bank. There is a real need to balance and sometimes you've got to say, "Hey wait a minute. We have 31 days here left before the State Board of Accounts audit".

So what needs to happen, and this is all my opinion because it's outside the scope of my contract, is you've got to get all the way through. In other words, if you've got October done, you've got to go ahead despite the fact that you are out \$1.17 million, go ahead and get November done, and then go ahead and get December done. What you've done effectively there is you've fenced in and said, "The problem is this big", okay, and you also want to see if November and December exhibit the same attributes that October did, meaning are you still writing up to get to the bank. So I think it very, very important that the effort for the reconciling keeps going on despite the fact they can't...they might not be able to identify what's causing the problem for October, 2012 but they've got to move on. You've got to get November done, you've got to get December done. Find out what those (*Inaudible*) on.

But while they are doing that, I think the real key, and this may be where the Councilmen come in, is you've got to get another team started that is going to be going on a concurrent path with them to find out what's causing that problem. So in other words, the reconcilers need to be going down one path. You have to bring in someone else and find out why it doesn't reconcile. Meaning find out in the deposit side. Here I can see it on the bank statement. Why isn't it hitting the books? You've got to have somebody else working on that while they are finishing up the reconciliations.

Just to give you an example...

President Robinson: Wait David, let me ask one question.

David Garrett: Go ahead Connie.

President Robinson: Now Russell, that's been dropped from \$1.7 million to, I have, \$400,000.

David Garrett: No.

City Controller Lloyd: It's lower than that now.

President Robinson: It's lower than that?

David Garrett: That's two different...the \$400,000 I believe the January through September payroll tax expense was thought to be the culprit there. The \$1.17 was the actual October recon.

President Robinson: Of the 26 accounts?

David Garrett: My point is, on Page 16 of the minutes, here's another excerpt:

President Robinson: And how long did it take you to do October?

Dan Hedden: I didn't do all of it myself, much of it was done by your resources, but I'm going to estimate that the reconciliation hours for the 26 statements for October were 25 to 30 hours.

David Garrett: Well that's actually good news because if it only takes 25 to 30 hours to do a months' worth, they have to go on and get November and December done right away. That's 60 hours of time to get that done. I mean you've got a week and a half to finish up December, put the fence around of the out-of-balance situation. While all that's going on, you've got to have somebody else coming in and figuring out why a deposit hits the bank and it doesn't hit the books.

What you need to do, in my opinion, is you've got to get Tyler Tech in here. And I was telling Councilman Friend, it's time to bring in the teacher and not allow the student to, you know, the student might eventually figure it out because they've taken a class or what have you, but it's time now with 31 days to go. You want somebody that's coming in and saying, "Hey, I got my bank statement here. I see all these deposits. How come they are not making it on the books?" Somebody has got to figure that out while they are finalizing the recs. Once that's done, they just come back in and make the adjusting entries and you're ready to go. So 31 days, about a week and half's worth of recs and then somebody's got to be doing some research and it needs to be the teacher, which is Tyler.

Councilman Weaver: So Mr. Garrett are you like...I'm trying to figure out what you are trying to tell us. Are you ripping the City Controller and his staff or are you...what else? What are you trying to tell us?

David Garrett: I'm not ripping anybody. All I'm commenting on Councilman is the fact that you've got 31 days left or the City runs the risk of not having an audit for two straight years. What I'm suggesting is that we know it takes 25 to 30 hours to reconcile a month, we know the month of October is \$1.17 million write up to bank, tells me the bank deposits are getting to the bank but they are not hitting the books. So what you need to do is you need to have the people that are going to reconcile go forward. Don't just stop and start looking for the \$1.17. Finish November; finish December. While they are working on that, you've got to get the people to understand the software set-up in here to find out why isn't it flowing.

Councilman Weaver: I've been complaining about that for months. I don't think Tyler has fulfilled their contract and we just sit back and do nothing.

Councilman O'Daniel: It's my understanding though from what Dan Hedden said was that they balanced, reconciled October, using the software itself.

City Controller Lloyd: That's right.

Councilman O'Daniel: But there was a variance of \$1.17 million.

City Controller Lloyd: Correct.

Councilman O'Daniel: But as they discovered as they went back and looked at January through September, as they discovered the errors in those reconciliations of the variances there, that that would adjust the number that they start with in October. Now, is that still \$1.17 million or has that been written down to a variance or where they can't identify four or five hundred thousand?

David Garrett: Are you asking me or...?

Councilman O'Daniel: I think probably Russ is probably better qualified to answer this but I mean procedurally, is that what I understand is going on?

City Controller Lloyd: I'm not sure. As of...we had Umbaugh in pretty much all week and we spent a lot of time on this Saturday. The September 30th reconciliation, we got that down to \$52,000, so I mean that's quite a bit lower. And then, now we are still checking some of the entries to make for October, November, December, but as of December 31st our outage is \$4,236.

Unidentifiable Speaker: That's just in MUNIS?

City Controller Lloyd: That's in MUNIS.

Councilman O'Daniel: That's just MUNIS. Four thousand in MUNIS so that's....

City Controller Lloyd: So I mean we've made a great deal of progress since January 8th and I sent an email to Councilman Friend on that today and we'll get copies of the reconciliations out. But we are pretty well through January through September, which was where we had to do it outside of MUNIS. The \$52,000 is the bank is showing more. We think \$40,000 of it is a payroll entry with the levee but we are confident we can get that reconciled. Then once we book the adjusting entries, we are good to go.

Councilman O'Daniel: So what is the out-of-balance right now? Is it the \$52,000 for the first nine months and \$4,000 for the next three?

City Controller Lloyd: Right. As of December 31st, 2012, we are showing \$4,236 out.

Councilman O'Daniel: Total?

City Controller Lloyd: Right.

Councilman O'Daniel: Or is that just MUNIS?

City Controller Lloyd: That's everything. We've got a bunch of adjusting entries but we are balanced, \$4,000.

Councilman O'Daniel: And so you feel comfortable in submitting that to the State Board of Accounts for approval at this point?

City Controller Lloyd: Once we get...I mean there's quite...there are a number of adjusting entries, in fact I've got the September statement.

Councilman O'Daniel: (*Inaudible*) understand what Dan Hedden would say is that \$4,000 would be an insignificant...

City Controller Lloyd: Right, it's a tiny percentage.

Councilman O'Daniel:...insignificant number and therefore that would give us a...it would not subject us to a qualified opinion or an adverse opinion, correct?

City Controller Lloyd: Right. I mean our intent is to have the State Board come in at their regularly scheduled time, which would be at the beginning of May, and we are planning on getting a clean opinion for the City.

President Robinson: Well that's good. Yeah. Any questions? Councilwoman Riley.

Councilwoman Brinkerhoff-Riley: Russ, is it the software then? I mean, where's this 1.17, the software? You are adjusting by hand basically.

City Controller Lloyd: Right.

Councilwoman Brinkerhoff-Riley: What the software is doing is...

City Controller Lloyd: Part of that was the...there were entries back and forth between the City and the payroll account and the City and the Sewer Utility and the City and the Water Utility, those bank accounts. So a good chunk of it was that. But we did have problems with MUNIS on the payroll entries that it wasn't taking the money correctly out of MUNIS.

Councilwoman Brinkerhoff-Riley: Well how do you...I don't understand it. You've got a variance of \$52,000 for the first nine months of the year but...so you just picking a number to start with when you do October, November, and December to come up with just a \$4,000 variance?

City Controller Lloyd: Yes. I mean that was carryover that we to continue with.

Councilwoman Brinkerhoff-Riley: Okay.

City Controller Lloyd: So I mean, you know, we had December 31st, 2011 reconciled and so we've reconciled all the 12 months then.

President Robinson: Do you feel comfortable with your software? Using it?

City Controller Lloyd: Yes. It's...we've had issues. We've had them in. We've had training; we'll need more, but I think it's good software. It's just that we didn't have the right system set up and that's why we changed it October 1st.

President Robinson: Okay, any questions? David, anything else you want to tell us.

David Garrett: My suggestion is you might want to document what was causing, for example, document what was causing the million, \$1.17 million, for October. Document the reason and then that's a historical record for not only the City but also for the State Board of Accounts. The State Board of Accounts is going to say, "Wow, you were having a lot of trouble and overnight you know, you got the problem fixed", which is good news but they might want to see what was it specifically that was causing you to have to, you know, write up to get to the bank balance. Documentation.

President Robinson: Okay. Are there any questions for David?

David Garrett: I'll get started. As soon as I get the October, November and December, I'll start my compliant services.

President Robinson: Okay. Thank you David, we appreciate it.

Next we have Phil Hooper. Okay Phil, I have you down tonight for two different subjects.

Phil Hooper: Okay.

President Robinson: I guess since we just left with David Garrett, I guess we'll start off with, I think, Councilman Friend had requested you to come before us to talk about some reconciliations I think with the arena. Is that what it was?

Councilman Friend: Yeah, I think what's...I got some feedback that we were trying to get to the inside documents of the arena and we had...and some people can get a hold, the public can get a hold of the bank accounts but when they went to your inside, which I call an Excel spreadsheet, basically it's what it was, you had it marked as referred to as the Deliberative on the document itself, and it was also, I noted, as being confidential. Just for the public's sake, what I need to find out is can you define why, probably Ted, probably you'll be able to do this, why that would be considered to be a confidential document.

Phil Hooper: We certainly work with our legal team to go through those issues and I'll have Ted...

Councilman Friend: Yeah, I mean I'm just needing to find that out.

Corporate Counsel Ziemer: Under the...under the arrangement that the City Administration has tried to work out with City Council, and you've seen the memorandum; it was developed for that. It's understood that any document which the City Council would like to see, or any member of City Council, will be handed to them, they are entitled to see that. That same thing goes true for any requested by David Garrett, acting under his contract with the City.

At the same time there are documents, which if requested by a member of the public, under a FOIA request or an APRA request, under state law, to the extent that those documents are deemed confidential by the City for an appropriate reason, we would not release those documents if requested under an APRA request, or we would release them and redact the confidential information that's contained in those documents.

When a City council member or David Garrett requests a document that would have been held confidential if the public had requested it, the general public under a FOIA request or an APRA request, then we are going to label that document as confidential and give it to City Council. In this case there were notes on the document, which are internal notes of the Department of Metropolitan Development, which we are not required to release to the general public under a FOIA request or an APRA request. Consequently, those documents were stamped confidential and delivered to you but they were marked as confidential for that reason.

Councilman Friend: I guess my point being is...I can understand you have notes on those documents but that's the same thing as having an internal general ledger from an accounts standpoint. If we have all these transactions going on, call it a checkbook if you will, okay, those in itself would be the same as a set of books which you would have for the City which would be accessible without any type of restrictions.

Corporate Counsel Ziemer: Councilman Friend, they would be accessible if they didn't have any internal markings on them...

Councilman Friend: Exactly.

Corporate Counsel Ziemer:...that were put on there by the Department of Metropolitan Development, or any other department for that matter. Which means they intend to look at those again and until they are finished with that process, we are not required to release those documents to the general public.

Councilman Friend: That's fine. I'm just asking because it was my...because I'm looking at a general ledger set of books and those probably shouldn't be on there.

Corporate Counsel Ziemer: If the City maintained a checkbook...

Councilman Friend: Sure.

Corporate Counsel Ziemer:...and had entries in a checkbook, you certainly, and so could the general public, receive a copy of that. But if notes were made in the ledger to the checkbook... "I want to check this out to see whether it's right or not", then that is an internal note of the department and it's not available to the general public.

President Robinson: But it's available to City Council.

Corporate Counsel Ziemer: It's available to the City Council and it will be stamped confidential and that's what was done in the case of these records.

President Robinson: Are there any other questions concerning this matter? Councilman Friend?

Councilman Friend: Nope. Appreciate it, thanks Ted.

President Robinson: Okay, Phil, then the next question I have for you is that there is some concerning in the historic preservation area concerning a lighting project that you have going on that I don't think very many members of Council are aware of and I know I received an email from Steve Schaefer stating that...I guess you are not at liberty to give us a lot of information. If you could give us some preliminary, what's going on, we have some people in the audience and some Council members that are very interested.

Phil Hooper: Sure. Simply, we are working with the Old Evansville Historic Association to respond to their vision and their plan for historic lighting. At this time, we are still literally finalizing how we will respond to that plan because it's completely in the very preliminary stage. We have not finalized our plan or our response.

President Robinson: Okay, now have the neighbors there raised money for this lighting project?

Councilman Weaver: Yeah, for the record, you know, they are having fundraisers and stuff so they are trying to raise a lot of money for this project.

President Robinson: Okay, and how many blocks are we talking about?

Phil Hooper: The mayor, in October, made it clear to the association that any commitment of funds from this Administration would be contingent upon a phased plan that showed the entire historic district in some sort of phased approach or some sort of an implementation that included the entire neighborhood. That's currently what we are working on.

President Robinson: So it's not just the four blocks that people are talking about, that's it's just going to be four blocks. Are you saying the entire...

Phil Hooper: The entire project is multi-year project, we are currently working out where to start, why to start there, and what the next phases are, and until we can get a commitment to those stages, we are not committed to spending money.

President Robinson: Where is this money coming from?

Phil Hooper: Pardon?

President Robinson: The money, in addition to what the neighbors are raising, where is the money coming from?

Phil Hooper: Any funds that we would commit to this project would be from previously budgeted funds unless we came back to the Council for money. So either in small amounts or inside a City department, the money that the neighbors are raising on their own, if it's applicable to other tools that the City has for community economic development...

President Robinson: You told me the money was coming from ERC. What funds does ERC have?

Phil Hooper: There was a commitment in 2010 made to...a challenge grant that if the neighborhood raised a certain amount of funds, there is a commitment of a small amount of funds...

President Robinson: And how much is that?

Councilman O'Daniel: Yeah, what's a small amount?

President Robinson: What's a small...?

Phil Hooper: I would like to get back with you on that. I want to say it's two phases of \$50,000 but I want to...

President Robinson: So a hundred thousand dollars over what period of time?

Phil Hooper: Yeah, I do want to confirm that for you. Over what time that the funds are raised on their part.

President Robinson: You said TIF money. You said TIF money is going to be used?

Phil Hooper: That was the commitment made by the previous administration, yes.

Councilman O'Daniel: What is the total amount of money you are talking about? Preliminarily. I'm not going to hold you to it.

Phil Hooper: For what?

Councilman O'Daniel: The lighting

Phil Hooper: For what? The entire project or a...

Councilman O'Daniel: You talked about the phased-in approach of it. It's going to be a multi-year phase-in. If what has been discussed was brought to fruition, what is the preliminary estimate on the amount of money being spent?

Phil Hooper: We are working off an existing estimate that would put it in a range of two to three hundred thousand dollars.

President Robinson: That's the first phase-in?

Councilman O'Daniel: That's the entire project?

Phil Hooper: No, that would be the first phase-in.

Councilman O'Daniel: What's the entire project?

President Robinson: What's the entire project?

Phil Hooper: We don't have an estimate on the entire project. It would be...it would be a large number.

President Robinson: So how many...wait!.

Councilman O'Daniel: What's a large number?

President Robinson: I have people trying to get sidewalks and you're talking about \$238,000 for just one phase? How many phases do we have?

Phil Hooper: That is yet to be determined. We are still working on that response, that plan...how to respond to that.

President Robinson: Somebody told me it's five phases. Is it \$230...\$200,000 per phase?

Phil Hooper: We have not finalized that. I can't (*Inaudible*) for you....I'm sorry.

Councilman Adams: It's my understanding that the people have actually gotten together. Some people down there have raised \$60,000.

President Robinson: That's great.

Councilman Adams: And the ERC has committed \$32,000 I think. Does that sound right?

Phil Hooper: I want to double-check those numbers and get a correct answer (*Inaudible*).

Councilman Adams: It sort of brings up the comment about money being lended out to a (*Inaudible*) people without our approval. It's sort of a general overall theme of money sort of... that we don't know about, sort of going to people without our approval which philosophically sort of puts a little sand in my shorts, for what it's worth.

Councilman Weaver: There are a lot of boards out there that spend a lot of money that we don't know about.

President Robinson: Yeah.

Councilman O'Daniel: But we do, I mean we do have some sharing. We do approach certain things where we share some expenses. You know, the sidewalk projects, you know (*Inaudible*) will pony up half and we'll match that.

Councilman Adams: Sure.

Councilman O'Daniel: It's not like we don't do that and other things but...

Councilman Adams: We are aware of that.

President Robinson: But we are aware of that. Yeah, yeah.

Councilman O'Daniel: I just want to get an idea of what we are looking at, I mean, if it's \$200,000 or \$250,000 for a tenth of what is, you know, the master plan so to speak, you know, it's two and a half million dollars. People aren't going to raise that privately. So they are going to come to us (*Inaudible*) for looking at. We'll, we are going to have a half-finished project.

President Robinson: I think it's good they raised \$60,000. What's their goal? What are they trying to raise, the total?

Phil Hooper: The goal would be to get the project done.

President Robinson: I mean how much money are they trying to raise themselves?

Phil Hooper: Whatever it takes and we don't have the final figure because there were not funds...

President Robinson: They are not trying to raise the entire...listen to what I'm saying...how much are the neighbors trying to raise? What's their goal?

Phil Hooper: For what phase?

President Robinson: For the total project. The total project.

Phil Hooper: I don't have an answer to that question because the total project has not been scoped.

Councilman Adams: Let's be more specific. This project is to put lighting into that area although certain looks (*Inaudible*) that looks like.

Councilman Weaver: Lighting from that period of the 1800s.

Councilman Adams: Historic lighting.

Councilman Weaver: (*Inaudible*) shorter. They are under the trees... (*Inaudible*)

Councilman Adams: There is one light that is up already as a sample light on First, South East.

Councilman Weaver: Is there?

Councilman Adams: Yeah.

Councilman Weaver: Yeah they had a \$100 per person fundraiser the first Saturday in October. From what I understand, it went really well.

President Robinson: I'm not doubting the project. I'd just like to know how...

Councilman Weaver: I'm filling you in on what's happened so...

President Robinson: Pardon?

Councilman Weaver: I'm filling you in on what's happened.

President Robinson: Yeah, okay. We just...I received calls and Dr. Adams received calls. I just wanted to know the scope of the project. And you know, we keep hearing just four blocks, you know, the other people that are not in those blocks, they want to know when are they going...when are they going to get...are they going to get lights? And if so, when? I'm just asking. I'm asking for information and it just makes, you know, when we don't know what's going on, it makes us look bad.

Councilman Adams: Well I guess the side effect for that is that you start having schisms. Schisms in the community. Those that are getting (*Inaudible*) and they don't know what the plan is so (*Inaudible*) don't...I mean it's not just a couple of people. I've had six or seven calls from people asking me what is the overall plan so maybe you can give us a dateline as to when the plan would be done. Maybe a month from now you'd know more about it?

Phil Hooper: Within a month...

Councilman Adams: I don't like the open ended we'll be back sometime in the future with a plan. That could be a year from now.

Phil Hooper: We propose to have a Phase I plan of action and the other phases lined out for a number of years within a month.

Councilman Adams: Within a month.

Phil Hooper: We won't have the entire scoped within a month because there was only \$9,000 committed to scoping a pilot project and we look forward to giving you an update. I think a month is fair, within a month (*Inaudible*) timeframe.

Councilman Adams: And you are telling us tonight that the City Administration has not given a dollar to this project yet.

Phil Hooper: We...yes. The mayor made a commitment and we are standing by that commitment that we won't commit...

Councilman Adams: I can't hear you.

Phil Hooper: Sorry. The mayor made a commitment and we are standing by that commitment that this administration will not spend funds on project until there is a phased plan that shows a timeframe and a pattern for when other phases will be in the order.

Councilman Adams: And I add that you've brought to us for our review.

Phil Hooper: Yes, subject to funding of course.

President Robinson: Okay, so if it's TIF or any of that, I mean ERC, that money...Stan are you familiar with this project?

So can you come...it's been requested that you come back March the 4th.

Phil Hooper: Okay.

Councilman O'Daniel: To give an update on *(Inaudible)*

Phil Hooper: Yeah.

Councilman O'Daniel: You've indicated a month. That gives you a little over a month

Councilman Weaver: If you are really looking for an area...it's historical... *(Inaudible)* It's the historical district, right, of the blocks that are going to be potentially having these new lights.

President Robinson: Is there anyone in the audience that has any comments or questions? Okay, Bryant I see and I see Chris Brown in the back.

Your name and your address please.

Gloria Bryant: My name is Gloria Bryant. I live at 713 S.E. Riverside Drive. I was asked to be here so I'm willing to answer any questions about this that anyone asked me if I can.

President Robinson: Are there any questions?

Are you familiar with this?

Gloria Bryant: I am familiar with it. I was the co-president of Old Evansville Historic Association. I was one of the signers for the grants that this administration was not in on at the start of this. Tom Barnett gave Old Evansville Historic Association a \$9,000 grant, a community grant. I underst...I have to pay for it...for a test project of four...to do a study on four blocks. Those four blocks start across from the museum, go north to S.E. First, turn right, go three blocks; ends at Chandler. There will be one light on the corner of Chandler and S.E. First.

Councilman O'Daniel: What was the scope that, when you were president or head of that organization, what was the scope of the...

Gloria Bryant: The scope was...

Councilman O'Daniel: At least the vision, so to speak.

Gloria Bryant: We had a vision for historic lighting for the entire historic district. We had a vision that we could become part of the downtown attraction for tourists, which we have had tour buses through our area. We have some wonderful, magnificent homes. We also have terrible, dilapidated housing. We have young couples with not one penny to spare, pouring their hearts and souls into these and they are not included in the lighting.

Councilman O'Daniel: They are not included in it? Let me just ask this just for some of the other folks, what is the scope of the Old Evansville Historic Area? What are the boundaries roughly?

Gloria Bryant: The historic preservation district...

Councilman O'Daniel: Which would be?

Gloria Bryant: Let's see...Walnut, Veteran's Parkway, Adams, and the S.E. side of Third Street, roughly. I've got a map. Does that kind of give you a vision?

Cost per light estimated...I don't have my figures...estimated \$12,500 per light, installed.

Councilman O'Daniel: Number of lights?

Gloria Bryant: In the four block area, 21 I believe.

Councilman O'Daniel: That's just in the test area, right?

Gloria Bryant: Ahem.

Councilman O'Daniel: What would the scope, what would be the project if it were entirely done?

Gloria Bryant: Over a million.

Councilman O'Daniel: Thank you.

President Robinson: So the entire area, I guess I missed that. How many...you don't know how many lights would be in the entire area.

Gloria Bryant: No, because a study has not been done on the entire area. You would have to do a study. Kind of became a rogue group that picked where to start, the four blocks, and they are the ones raising the money. There are a few select people outside those four blocks helping raise money but predominantly the rest of the neighbors, and in fact, a lot of the neighbors don't even know about it. If they see it in the paper, they say, "When do we get our lights?"

President Robinson: So are you participating in the fundraising?

Gloria Bryant: I am not participating in the fundraising and I resigned over the four blocks versus the entire neighborhood.

President Robinson: Okay so you're out...your house is out of those four blocks.

Gloria Bryant: Yes, but I could care less about my house. It's the neighborhood that I'm after.

Councilman Weaver: Ms. Bryant, is Vectren kicking in anything for this project?

Gloria Bryant: No, in fact it's my understanding the only cost that they got was from Vectren. They didn't have other bids so I...and I don't know how that works. I don't know if you can get contractors, but you know it's probably a good...not a good night for this with the buses.

(Laughter)

Gloria Bryant: I'm right. Okay, this is not really a good night.

President Robinson: I guess those four blocks, for 21 lights it would be what, \$262,000?

Gloria Bryant: Yeah. About 258 if I remember my figures. Maybe 238.

President Robinson: Maybe Phil can come up here and tell us how many...

Councilman Adams: Wait a minute; I've got one more question. Do you feel comfortable that within a month, the people who don't know what's going on would at least have an inkling to come and share their concerns and insights on March 4th?

Gloria Bryant: Someone would have to go door-to-door and notify these people that here is a lighting project. If you want to speak up, I mean...

Councilman Adams: Is there not an email list?

Gloria Bryant: I mean it would be like the lady who got the 700 signatures. It's labor intensive but there's probably neighbors that would be willing to do that. But my next question is why would the City administration want to be involved in something that pits neighbors against neighbors because there are four blocks of lighting on the books. Now I believe Phil, I believe Mr. Hooper when he said they don't want to let any money go but the Redevelopment Commission, I believe, pledged \$50,000 and maybe more. Where does the Redevelopment Commission get their money from? This is for four blocks. This is not for the rest of the historic district, you know, so this is really, sadly enough, become a very bad thing for the neighborhood.

Councilman Adams: Ms. Bryant, you didn't answer my question. Do you think by March 4th the people who don't know what's going on will know what's going on? Is there not an email list of all the people that own property within that...

Gloria Bryant: We have lot of people in our neighborhood that don't have email. We have elderly people. Our neighborhood is very diversified. I don't have anyone here that I can speak for. I mean if I took time out from my job to go door-to-door and call and email, I'm...you know, I'm willing to work hard for my neighborhood and I believe other neighbors want to but I can't speak that I...you're asking me if I can get a hold of all the...

Councilman Adams: No, I'm not asking you. I just want to know...

Gloria Bryant: I can't...I don't know.

Councilman Adams: I'm not asking you that. I'm just wondering is there...does not the Historic Preservation Commission have a list of those properties that are considered to be important in your area? Architecturally. And would they not have some way that DMD would be able to communicate to those people, either by postcard or by email, that they should show up on March 4th to find out more about what's going on in their group.

Gloria Bryant: Well I understand. I don't know. Mr. Hooper can answer that. I believe that Old Evansville Historic Association has a list of their members, however, I believe that every

homeowner in that neighborhood needs to be notified whether they have a prominent home or not.

President Robinson: Let me ask you this. That equals out to about five lights per block with four blocks for \$262,000. Now how many blocks are in that neighborhood that we're talking about? I mean this is going to be over a million-dollar project.

Gloria Bryant: Approximately 21 maybe...in excess of 20. I believe 21.

Councilman Adams: I'm sorry to hit you over the head with this. Does not the Historic Preservation Commission have the ability to communicate with those people that are within that area? That's what they are supposed to do. They are supposed to take in fees and they are supposed, you know, they are supposed to have revenue for fees and they are supposed to put that money out. In fact this week I asked the Comptroller to give us the revenue and expenditures for the Historic Preservation Commission for 2010, 11, and 12 because Ted Zierner told me this is way we are supposed to go about that and so, you know, I want to test the system and see what's going on. I was told that they don't have that but it is part of the DMD budget so that I'm hoping this week...Russ said he was hoping this week to give it to me.

President Robinson: Well could Dennis Au, the Historic Preservation Officer, get in contact...

Gloria Bryant: I think that's a question for Mr. Hooper because he has DMD, which is the Historic Preservation Commission is part of, so it would be his manpower...

President Robinson: I would think that would be Dennis Au. He would have that.

Councilman Adams: Yeah but I would think you'd have a list of the people that in are the area.

President Robinson: I would think that he would have that information.

Councilman Adams: I mean that's just kind a basic thing.

President Robinson: The Historic Preservation Officer would have that information.

Councilman Adams: Well certainly the Commission would.

Gloria Bryant: *(Inaudible)* I am on the Commission so no, the Commission wouldn't but it might be that DMD and Dennis Au, under DMD, has it. I don't know. Mr. Hooper would have to answer that.

President Robinson: Maybe Phil can come back up.

Phil Hooper: Thank you Commissioner Bryant. Please restate the question again.

Councilman Adams: I would think it would be kind of basic knowledge for the Historic Preservation Commission to have a way to communicate with all of the people, all of the house...the homeowners, that are within that sector that they are supposed to be overseeing. I would ask you do they have that information?

Phil Hooper: Yes, we have a list of property owners that can be used to notify and...

Councilman Adams: Would you do us a favor and notify them. You can do it by email or by postcard that we are going to come back on March 4th to discuss this overall plan.

Phil Hooper: I will commit to you that I will come back on March 4th and give you an update. I have...as I said this plan is our response. It's still preliminary. I have yet to sit down with my Chief Executive, the mayor, to get his direction on this and I want to certainly defer to the mayors' vision on this as well...

President Robinson: Are you coming before City Council for any funding?

Phil Hooper: At this time, no.

Councilman Adams: Well hang on. Answer my question. All I ask was can you commit to me that you will because you have a list of all the people that are in this thing. Send them a postcard or an email saying that this is going to be discussed on March 4th. That's the question that I asked.

Phil Hooper: I can commit to you that I'll give an update on March 4th. Anything further than that I will defer to...

Councilman Weaver: How's this really any different than putting it in the paper in the Public Notice section? I mean you are asking him to go above and beyond.

Councilman Adams: Well because this is the...honest Jon, Jon this is the problem. You have people who are living in this thing that don't know and I haven't a clue as to why Mr. Hooper would not want to notify all those people there when he has the information to do so. I just don't understand that.

Councilman Weaver: As I understand, a lot of people know about it. I live outside the historic district and I know about it.

Councilman Adams: *(Inaudible)* Only 17% of the people read the newspaper Jon.

Councilman O'Daniel: But I would think it's more like a zoning issue.

Councilman Weaver: But I know about it.

Councilman Adams: Yeah but Jon, you don't live there.

Councilman O'Daniel: You've got to look at this more like a zoning issue. You know if something is going on on your property or in your particular neighborhood, you notify everybody around you and give them an opportunity to come in and remonstrate or agree with it and it seems to me that's sort of what DMD ought to be doing here in my opinion. That...

President Robinson: This is about secret projects.

Phil Hooper: It's certainly not a project...it's certainly not a top secret project. It's certainly not a top secret project.

Councilman O'Daniel: It's going to affect everybody. If we have the ability...and let me finish...if we have the ability...as you have indicated, you can get a plan in a month. I think March 11th is actually our first meeting in March but nevertheless if you could get that plan and let everybody know. I mean this is what we are thinking about in that neighborhood. Let us, you know, maybe they can improve upon it maybe they can say, "You know what, we don't want your money here; it's a waste of money". You know, I mean let them make some decision on that. I mean obviously the final decision does come down to with the Administration and ourselves if it's going to be funded in any way by tax dollars but I do think that to sit there and say, "Look, I'm going to defer to one...to the Administrations' vision on this and to hell with the people it's going to affect", I think...

Phil Hooper: I certainly didn't say to hell with the people it would affect. I said the mayor's commitment is to not spend any funds until we have a plan that addresses a phase-in and a plan for all of the district. Now that's different a scoping plan which is being done based on limited funding availability with engineering scoping for a potential Phase I. We've yet to commit to that and certainly would recommend if you want to go into a neighborhood level detail of the project that we invite the neighborhood association that is leading the fundraising to present as well. There certainly is a tremendous amount of positive support for this project and this is the kind of neighborhood engagement and grassroots implementation effort that cities across the country dream about having and we look forward to making a response to this plan that is inclusive of the entire district in a reasonable way and if there are going to be phases to the project, it's going to start somewhere and we are going through how it's going to start, where, why and that's still preliminary. We look forward to updating you in the future. I can certainly update you on March 4th. Certainly also want to take a cue and a lead from my boss as well.

Councilman Adams: Steven I...Steven, I find this incredibly frustrating. All I want from the Administration, because they have the information according to what I've just been told, that the people who live within the thing will somehow be notified that this is...it really does affect them, that they will all get some notification that we are going to discuss this on March 11th. That's all I'm asking for.

Steve Schaefer: Steve Schaefer, Chief of Staff...

Councilman Adams: And I can't seem to get that.

Steve Schaefer:...Mayor's Office.

President Robinson: I know, that's what's disturbing. I just don't understand. It seems like they just want those people in the four blocks to know.

Councilman Adams: Well that's a pretty tight...

Steve Schaefer: Madam President, can I just make a comment. I think a...I don't know where to start...this isn't a top secret project. This is an ongoing project that DMD is working on and when it is complete, when they have a plan to present, the mayor fully intends to engage those neighborhood associations and have that engagement but right now, there is no plan. So I mean

we don't have costs, figures, and a plan that we are kind of holding back behind a closed door. It's still being developed. When DMD has that proposal, we'll engage the mayor, get some further direction, and get the engagement from the neighborhood associations. I think you are spot on. Once we have something to present to them, we ought to email them, call them, and have them engage in the process.

Councilman Adams: But you know, radio won't get them all, newspaper won't get them all, neighborhood associations, you know as well as I do, as sparsely attended, City Halls often don't get it. This happens to be, if you have the people who live in here, the homeowners, which I would think the Historic Preservation Commission must have, I would think there must be some way, and I understood you are coming back with a plan on March 11th, perhaps I'm wrong. I would at least give those people the opportunity to know that they can reject not coming or not. That's all I'm asking. I'm not trying to make a huge thing out of it.

Steve Schaefer: I agree with you.

Councilman Adams: Okay, thank you.

Steve Schaefer: I think there should be engagement when there is something to go to them with, that has the Administrations' stamp on it, we'll do that.

Councilwoman Brinkerhoff-Riley: We are not included in the planning process and what you are describing is a very top-down approach. We are going to put together a plan then we are going to a neighborhood association and talk to them about it. Why not include them in the plan, in the formation of the plan.

Phil Hooper: This plan started with the neighborhood and we are responding to their plan so it's certainly not a top-down approach. This is a response to a neighborhood that is very aggressively organizing and putting together and plan of action and we are seeing how it can make sense and how we can make the situation the best it can be.

Councilwoman Brinkerhoff-Riley: But you've got a...the plan is four blocks and 21 lights. You've already got people that are raising private funds to cover a four-block area and now you are talking about the City or the ERC or somebody now coming in and paying for lights potentially in phases spread throughout. I would think people want to know that pretty much up front. It has an impact...why are people in the four-blocks raising private funds if the people who are outside of the four blocks are looking at some kind of funding through...

President Robinson: The people outside of the four blocks, will they have to raise money too?

Phil Hooper: I can't...

President Robinson: And like she said, it's all...it's a diverse area. Will they be able to raise that type of money so they can participate in this program or will they not be able to get lights?

Phil Hooper: I can't stress enough the preliminary nature of this and that there is a commitment and the neighborhood group seems to work for the entire district. I can't stress the preliminary nature of this enough and I look forward to coming back to you with more information.

Councilman Adams: Well, let me make it easy for you. I'm planning on coming to the Historic Preservation Commission meeting a week from now at 5:30, next Monday. I wondered if you could slip me a disc as to the names and addresses of the people that live in that area so that I could put a postcard out there myself. I'll front the cost of stamps and I'll make out the postcards, just allowing them to know that you are coming back on March 11th to give us at least a preliminary oversight plan. Is that okay?

Phil Hooper: Let's talk more about that.

Councilman Adams: I'm sorry.

Phil Hooper: I'd like to talk to you more about that. I don't know what...

President Robinson: He won't let you spend your own money?

Phil Hooper: No, no, no. We will...as Ted said earlier, we will share with you all our information just in terms of what we are going to be...I have yet...

President Robinson: We can't send a postcard out.

Phil Hooper: I have yet...this is very preliminary. I have yet to talk about this plan with my boss... *(Inaudible)*...so I can't commit.

Councilman O'Daniel: Okay, would it be fair to say that we are not going to do anything in a month or by March 11th?

Phil Hooper: You will have an update. I have not set down with my boss yet and we have to respect that fact.

Councilman O'Daniel: But Phil you said you'd have something in a month.

Phil Hooper: I will have an update for you in a month.

President Robinson: I thought your boss was working on it.

Phil Hooper: And it's possible to have a phase *(Inaudible)* worked out in a month but I've yet, again, I can't stress enough the preliminary nature of this, the fact I've not sat down with my boss yet on this and we need to respect that fact.

Councilman Adams: Well your boss's assistant is right behind you there.

Steve Schaefer: With all due respect I think you are...some of these lines of questions are a little but unfair. No, I mean you are criticizing...your criticizing...

President Robinson: No, I take it back. I don't think it's unfair when he comes before us, when he comes before us, that we are getting all of these calls, he should have the answers. We should be able to have some of this information. It can't be that top secret. I know you said it's not top secret but I mean we should know.

Steve Schaefer: The proposal hasn't...there is no proposal.

President Robinson: Well why are the people in that area thinking that it is. There are four blocks...

Steve Schaefer: Because there was a...

President Robinson:...four blocks that are getting lights and nobody else is getting lights right now.

Steve Schaefer: And correct me if I'm wrong but that was based upon a previous administration. And this administration has yet to put its stamp on this project and I just ask respectfully for some time for this administration to put that together and then engage those...well you roll your eyes but the people that put together.

Councilman Adams: I'm not rolling my eyes.

Steve Schaefer: You did.

Councilman Adams: I'm not rolling my eyes I'm just trying to figure out why...

Councilman O'Daniel: Okay, I did because it's 13, 14 months now, your administration...

Steve Schaefer: Okay...

Councilman O'Daniel: What has been done to further the previous administrations' vision? Because clearly, Tom Barnett fired, you know, your predecessor, at least had gone out and talked to them and said, "This is what we'd like to do and ERC committed some funds. If you say that this is an ongoing project and something that we are looking at and we need something in a month, which I acknowledge now you're probably not going to have anything in a month. What have you done in the last 13 month to do anything as far as notifying or furthering this project?"

Phil Hooper: We have gone back and researched the existing project. We've met with stake holders; talked in preliminary fashions with groups, with the mayor. I've talked with Councilman Adams about it some. We have worked on this among 75 other projects in my department that we work in partnership with the community on. It's one of those projects and we've made incremental progress on a sort of preliminary approach to this.

As I said, I can't stress enough the preliminary nature of this, and I've not sat down in a final way with the mayor and I respectfully ask for the ability to hit that direction from my *(Inaudible)*.

President Robinson: I'm not going to ask if there are any more questions of Mr. Hooper. You can take your seat. Thank you.

Phil Hooper: Thank you Connie.

Councilman Adams: There is a general philosophy over the last 13 months, and I say this very guardedly and I say it very kindly, that this administration seems to spin things so long that

eventually all sorts of rumors and all sorts of erroneous ideas come out. Instead of getting out in front of something and throwing the information into people to allow them to respond they seem to horde it and they try to keep it until it's absolutely perfect. You know the enemy of good is perfect.

That's all I'd like to say.

President Robinson: Chris Brown, you held your hand up. Did you still want to come up?

Chris Brown: *(Inaudible)* – *No speaking into microphone.* ...which is a group that was supposed to be getting those facts and figures and information together and have it together to present to the City. I don't believe that that is truly happening *(Inaudible)* in the *(Inaudible)* that is necessary to encompass everything that needs to be explained

I support lights in this area; I think it's a great idea but of course we need to be, you know, aware of the cost factors and multiple estimates on doing this. Those things haven't happened yet and that's my biggest concern that I'd like...when I do a project, I want three estimates. I mean, tell me what I can get for this, how you are going to do it and I don't think Mr. Hooper has had *(Inaudible)* of that information himself which makes it really for him to be put in the position of, "Well, what are you guys doing?"

I think when it went back into the neighborhood, the neighborhood hasn't done their part as far as putting it together *(Inaudible)* "Well we can do this light and it will cost X amount of dollars. And we can do this and *(Inaudible)*". Or my suggestion is if money is really all of the tight, let's do maintenance. *(Inaudible)* If we don't have money to do the lights right now, let's just paint them black. Look at how great the downtown area looks and all of the comments on a positive note when we put up the new stoplights. Everybody I've heard is happy about that.

(Inaudible)

President Robinson: Thank you. Any questions of Ms. Brown? Thank you.

Next on the agenda...if Steve feels like coming up here. I asked him to talk about SB529, the bill which mandates gaming and to see if the Council, as a Whole...I sent out an email last week to see about...I've just heard back from a couple of Council members about sending a resolution of support.

Steve Schaefer: Sure Madam President. Just to preview, or recap a little bit, Senate Bill 528 is being championed as a measure to increase Indiana's competitive edge when neighboring states are considering changes that would affect our gaming industry in Indiana. It would, just in a nutshell, would allow a number of things but one of the options is to allow a riverboat to move to a land-based facility. It would reduce lots of tax burdens that are on current facilities in Indiana.

Just as recap of what happened so far, Senate Bill 528 passed the Senate's Public Policy Committee 9 to 0 last week. The mayor spoke to Senator Becker, who is the ranking member on the committee before, making sure that the committee knew that the mayor was supportive. And also, he indicated to Senator Becker that the City Council was considering a resolution of support.

Now that bill is being reassigned to Appropriations, simply because there is a fiscal attached to it, which is very standard. We continue to voice our support through the City's lobbying efforts. I did talk to Ward Shaw today, and this may be something if you do consider a resolution, maybe a suggestion if not to just support 528 and its entirety, but there are three main things that Aztar is supportive of in this legislation.

One is the option to move inland for a land-based facility. The second was replacing the admissions tax with supplemental wagering tax. It's basically something that's, in their eyes, a hassle to collect on their part in terms of manpower. And the last was something called Promotional Free Play Deduction. It has to deal with promotional spending. Basically, Aztar and other facilities feel that it's a double tax and they would, I think, save five to seven million a year if that was changed like it is in the legislation. That would either be a savings or they could be more aggressive in other...in additional...be more aggressive in their promotional spending. I don't know if that makes sense.

President Robinson: So he's not in support of the bill in its entirety or...

Steve Schaefer: Well, there are just three main points that they are really supportive...that affect them so if you'd like, if you do move forward with the resolution of support, I suggest...and it's pretty common to support specific points in the language in that bill. And I can help draft, you know, a resolution if you'd like, based on those points conceptually.

Councilman McGinn: Could you let us know the second provision you mentioned there.

Steve Schaefer: Sure.

Councilman McGinn: Changing the admission tax...does that affect, in any way, their contractual obligations to us, how much revenue we receive?

Steve Schaefer: Ah, let me look real quick. I apologize. There is a guarantee, yes, but there is a guarantee under current statute that local units and state agencies receiving admissions tax revenue will annually receive an amount equal to their fiscal year 2002 admissions tax distributions, so they based it on a previous number so...

Councilman McGinn: That's been our basis...

Steve Schaefer: Yes.

Councilman McGinn: We can't go over that 2002...for the last 10 years I guess.

Steve Schaefer: Yes, so we would be guaranteed that equal amount.

President Robinson: So that wouldn't affect it then.

Councilman Adams: So it's not ness...I would like you to somehow give us some information on a pro forma method that we would not, by making these changes, that we wouldn't lose the cash flow that we get on an annual basis. I mean all this sounds pretty...

Steve Schaefer: Sure

Councilman Adams: I mean it sounds like a bunch of (*Inaudible*) but the question really comes down to if they are not going to...in we are not going to...and I don't quite understand the mechanics of how difficult it is to gather an admissions tax. You come in and you pay and a certain percent goes somewhere else but the bottom line is if the changes are going to occur, we want to support that. What is the fall-out in terms of an annual stipend because this City is, like it or not, it's addicted to it.

Councilman O'Daniel: Yeah I mean, we wouldn't want to get into a situation where we support something and we get four million less.

Councilman Adams: Yeah so if you give us a heads-up...

Steve Schaefer: Sure

Councilman Adams:...as to what the effects of these things are going to do, I would be happier then...I would love to do the resolution if it's not going to hurt the...

Steve Schaefer: Yes. From what I've been told by Aztar and by the bill, there would not be a loss there, that it would be equal to the amount of that fiscal year 2002, so I mean it wouldn't drop. It wouldn't drop from what we already getting.

Councilman Adams: What is the...what is that 2002 (*Inaudible*)?

Steve Schaefer: I don't know. I don't have that answer for you.

Councilman Adams: Anybody know?

Councilman McGinn: Yeah. There was a time when the revenues were increasing so much and the cities that did not have casinos were not sharing in that revenue. It was so big it was reduced that...a ceiling was set that the money that riverboat communities received from the admissions part of the tax cannot exceed what we received in 2002. That's basically...

Councilman Adams: Yeah but what was it?

Councilman McGinn: Oh, the amount. Oh, I don't know it's just the...it's every...it's in our proposed budget. It's every year it's the same...7.2 or I don't know. I'll have to check it.

Councilman Adams: Because right now we are getting 11 to 13. True, oh yeah.

Councilman McGinn: Two are three different (*Inaudible*) taxes coming in.

Councilman Adams: Thank you.

President Robinson: So I think...are we in agreement as a Council as a Whole to have our attorney do a resolution supporting a land-based casino?

Councilman McGinn: Yeah, as long as it doesn't affect the money but that's...

President Robinson: Okay, so...well I tell you what, if they don't have land-based casinos we're probably going to be thinking about Ohio and all those other casinos that are coming up and the possibility of maybe one day in Kentucky. We are going to lose money because of the competition as that's the reason that bill was introduced.

Councilman O'Daniel: Yeah, because they are talking about a 15% cut.

President Robinson: A 15% cut, yeah.

Councilman O'Daniel: From Indiana alone. I don't know if that would reach Aztar because we are kind of insulated from the rest of them but the...

President Robinson: But you know, people like to go where things are new and flashy and so you've got all these casinos that are opening up in Ohio.

Councilman O'Daniel: Well and not to mention, you know, think about if you do land-based, the construction of the new gaming center. That we may lose out on the revenue from the lease so to speak but we pick it up on the assessed value of the construction site. You know, it could be...

President Robinson: And jobs.

Councilman O'Daniel: A number of jobs as well so...

President Robinson: So do I have the consensus of the group? All in favor say aye. Opposed? So ordered.

So Scott can you draw us up a resolution please. I think you can get with...

Steve Schaefer: Stress those three points (*Inaudible*)

President Robinson: Is there anything else under Miscellaneous?

COMMITTEE REPORTS:

FINANCE COMMITTEE:

Re: Resolution C-2013-4

Date: February 11, 2013

Time: 5:15 p.m.

Notify: Debbie Dewey

CHAIRMAN FRIEND

Approving a Preliminary Tax Phase-in for
Berry Plastics

PUBLIC WORKS COMMITTEE:

Re: Resolution C-2013-3

Date: February 11, 2013

Time: 5:20 p.m.

Notify: Ted Ziemer

CHAIRMAN O'DANIEL

Approving an Interlocal Agreement with
Vanderburgh County regarding the
intersection of Burkhardt and Virginia

A.S.D. COMMITTEE:

Nothing scheduled at this time.

CHAIRMAN BRINKERHOFF-RILEY

ADJORNMENT

President Robinson: Can I have a motion for adjournment?

I'm sorry. Controller.

City Controller Lloyd: I'm Controller Russell Lloyd. Madam President, I have delivered to the Council...yours is green but it was an investment report and that's supposed to be delivered in January. So the green report that you have, an investment report, so anyway that's there for your information. I'd be happy to answer any questions or we can do it at a later time.

Councilman Friend: I've got one question.

City Controller Lloyd: Okay.

Councilman Friend: I notice we had between the two different balances quite a bit of more but the income was less and I noticed you addressed that. Ten basis points...

City Controller Lloyd: Right.

Councilman Friend:...that we get. That's not very much. And there was no other options we could move outside of that ten basis points?

Councilman Friend: Right now we are mainly in local banks although we have State Treasurers' Trust Indiana, which is like a money market type fund. We are looking at other things but we'd be happy to take any suggestions on that. And we get, from time to time, some calls from the folks about looking for investments.

One of the things that the balance 12/31/11 is somewhat artificially low. The prior administration, because they knew a new administration was coming in, they we things to cash and not reinvesting. So that's a little misleading

Councilman Friend: That's what I figured.

City Controller Lloyd: Yeah because they had...it was like about 90 million at the end of the year but they only had 26 million invested so part of that was kind of a winding down. I don't know if that answers your question.

Councilman Friend: I appreciate that. Thank you

President Robinson: Mr. Ziemer, did you have...

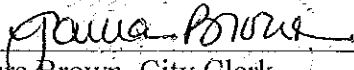
Corporate Counsel Ziemer: A little personal item. This young man back here in the blue shirt, who you introduced from Memorial High School, is a straight A student, he is the kicker from Memorial and he's my grandson. So I just wanted to....

President Robinson: Oh, congratulations then. A proud grandfather. Okay. Anybody else related to anybody else up here?


Okay then, can I have a motion for adjournment?

Councilman Friend moved and Councilwoman Brinkerhoff-Riley seconded the motion to adjourn. Voice Vote. So Ordered.

Meeting adjourned at 7:07 p.m.



Laika Brown, City Clerk



Constance Robinson, President